



Agenda Item No. 3.1
For Agenda of 12.13.05

Tigard City Council Meeting Minutes

Date: November 22, 2005
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding (arrived at 6:36 p.m.)
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff
Absent: ---

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session Administrative Items	<ul style="list-style-type: none"><input checked="" type="checkbox"/> Oregon Consensus Program – City Manager Prosser reported that funding has been provided for this program to facilitate a discussion between the City of Tigard and Bull Mountain residents. Mayor Dirksen noted the City should take this opportunity provided the City is comfortable with the agenda and “how it is put together.”<input checked="" type="checkbox"/> New Signal Ribbon Cutting – 12/14, 10:30 a.m. <p><i>Business Meeting Information</i></p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> No Chamber of Commerce Representative will be present tonight. President Pam Brown will update the City Council on Chamber activities on December 20, 2005.<input checked="" type="checkbox"/> Agenda Item No. 4 regarding the Downtown Task Force was added to the agenda and noted in the material sent to the Council in the Friday mailing.<input checked="" type="checkbox"/> City Council and staff reviewed the process for the Urban Renewal Hearing. Revisions to the Plan were distributed to the City Council. City Attorney Ramis reviewed available options for consideration of the proposed ordinance and resolution. The meeting that was scheduled to	<p>Consensus of Council was to proceed with participation in the Oregon Consensus Program proposal.</p> <p>Councilors Woodruff and Sherwood indicated they could attend.</p> <p>See Agenda Item No. 6 – Public Hearing</p>

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Study Session Administrative Items Continued	<p>take place with the Washington County Board of Commissioners earlier today to review tax increment financing was postponed to December 13, 2005. City Attorney Ramis outlined options for the City Council to consider, including delaying the effective date of the ordinance. City Attorney Ramis advised the City Council that care must be taken to meet all requirements regarding the Urban Renewal Plan.</p> <p>☒ City Council and staff reviewed the process for the Sunrise Annexation Hearing. City Attorney Ramis advised the lawyer for the applicant and the lawyer for opponents to the annexation have made requests regarding reopening the hearing and allowing testimony on limited issues. Each lawyer submitted a suggestion for a timeline for submittal of arguments and rebuttal. Mayor Dirksen noted that he would recommend the timeline that allowed for the longer period of time.</p>	See Agenda Item No. 8 – Public Hearing.
	<ul style="list-style-type: none"> • EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:44 p.m. under ORS 192.660 (2) (a) and (e), employment of public officers, employees, & agents, and real estate property transaction negotiations. <p>Executive Session concluded at 7:08 p.m.</p>	Staff shall proceed as directed by City Council regarding process for a general legal services contract and negotiation on a real property transaction.
Study Session – Process Discussion for Council Goal Setting in January Study Session –	Council members discussed location and information needed for its goal-setting discussion scheduled for January 6, 2006.	<p>City Manager Prosser will attend the goal-setting meeting.</p> <p>Staff will check on availability of the Water Auditorium or the Chamber of Commerce Conference Room (check cost) as a back-up meeting site in the event more room is needed to accommodate public</p>

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Process Discussion for Council Goal Setting in January		<p>attendance.</p> <p>Staff will provide a PowerPoint slide projector, overhead projector, flip charts, etc.</p> <p>Staff will provide a one-page summary for each goal noting the progress made in 2005 and what carryover activities are planned for 2006. Boards and committees will be asked to submit written comments.</p>
	Council meeting recessed: 7:16 p.m.	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:30 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports: None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None</p>	
2. Citizen Communication	<p>☒ Skate Park Chair Rich Carlson introduced Bob Wayt of Verizon. Mr. Carlson advised that Verizon was the first Platinum donor to the Tigard Skate Park – Verizon contributed \$10,000. Mr. Wayt talked of Verizon's investments in the City of Tigard and said that the skate park will be a great addition to the City and offer a healthy activity for youth.</p> <p>Mr. Carlson also recognized the following businesses that have contributed generously to</p>	

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Citizen Communication continued.	<p>the Skate Park:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> GI Joes <input checked="" type="checkbox"/> Hoffman Construction <input checked="" type="checkbox"/> Landmark Ford <p>Council members expressed their thanks to Mr. Wayt.</p> <p>2005 League of Oregon Cities Good Governance Award. Mayor Dirksen announced that the City of Tigard received the League of Oregon Cities Good Governance Award in recognition of its Downtown Plan. The Mayor acknowledged the reason for this award was because of the Downtown Task Force's work on citizen involvement.</p>	
3. Consent Agenda	<p>3.1 Approve Council Minutes for October 11, 18, and 25, 2005</p> <p>3.2 Approve an Amendment to Resolution No. 01-02 Increasing the Number of Citizen-At-Large Members on the Tigard Tree Board – Resolution No. 05 – 67:</p> <p>A RESOLUTION OF TIGARD CITY COUNCIL AMENDING RESOLUTION NO. 01-02 TO INCREASE THE MAXIMUM NUMBER OF CITIZEN-AT-LARGE MEMBERS AND DECREASE THE NUMBER OF PLANNING COMMISSION MEMBERS ON THE TREE BOARD</p>	<p>Motion by Councilor Wilson, seconded by Councilor Harding, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>
4. Downtown Task Force Recognition – Resolution	<p>Long-Range Associate Planner Beth St. Amand presented the staff report. All Task Force Members were commended for their work in completing the work program. Task Force members present were recognized and presented with a certificate. The Mayor and Council expressed their appreciation for the tremendous amount of work completed by the Task Force. The Mayor noted an 18-month commitment to study the commuter rail station in downtown turned into a 3-year commitment when the Task Force members were asked to prepare a plan for the entire downtown area. The Mayor said this was the</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Resolution No. 05-68.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes</p>

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4. Downtown Task Force Recognition - Resolution Continued	<p>best outreach group he has ever had the privilege to work with.</p> <p>Council considered Resolution No. 05-68:</p> <p>A RESOLUTION TO COMMEND THE DOWNTOWN TASK FORCE FOR COMPLETING ITS WORK PROGRAM AND TO END ITS TERM OF SERVICE</p>	<p>Councilor Wilson Yes</p> <p>Councilor Woodruff Yes</p>
5. Annual Police Report	<p>Chief Dickinson provided Council with the annual update on crime trends and Department initiatives. A copy of the PowerPoint presentation reviewed with the City Council is on file in the City Recorder's office.</p> <p>Council members thanked the Chief for the excellent presentation.</p>	
6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title	<p>City Attorney Ramis reviewed the rules of procedure. A copy of his remarks is on file in the City Recorder's office.</p> <p>Mayor Dirksen opened the public hearing.</p> <p>City Attorney Ramis asked for declarations or challenges. In response to the question as to whether any City Council member had viewed the site or had ex parte contact, Mayor Dirksen said it was difficult to know how to respond. All of the City Council has been intimately involved in the discussions regarding the Downtown Plan and the Urban Renewal District. These have been public meetings and are part of the public record. In response to the question from City Attorney Ramis whether this was the experience of all the Council members, all members indicated affirmatively. City Attorney Ramis said this was an adequate disclosure unless there are questions from others.</p> <p>City Attorney Ramis asked whether any City Council member felt he or she could not judge this matter impartially. All City Council members indicated they would judge the matter impartially.</p> <p>Associate Planner Roberts presented the staff report:</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Ordinance No. 05-17, with the amendments recommended by the CCAC.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes</p> <p>Councilor Harding *Yes</p> <p>Councilor Sherwood Yes</p> <p>Councilor Wilson Yes</p> <p>Councilor Woodruff Yes</p> <p>*Councilor Harding advised her vote is a "yes"; however, she would be open and amenable to amendments. When this was discussed last spring she was opting for a November election; however, she will support.</p> <p>Councilor Woodruff requested that the draft</p>

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<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<ul style="list-style-type: none"> • In May, after reactivating the City Center Development Agency (CCDA) and the City Center Advisory Commission (CCAC), City Council directed the Commission to prepare a draft Urban Renewal Plan for revitalizing the Tigard downtown area. • In October, the Commission completed the draft plan along with a state-required Urban Renewal Report, which is a separate, stand-alone document that functions as a technical appendix to the Plan. The CCAC was assisted in the work by Jeff Tashman and his consultant team. • The completed Plan includes a list of goals and objectives, as well as a list of projects, all taken from the Tigard Downtown Improvement Plan. • The Plan also includes land acquisition policies, which explicitly exclude the use of eminent domain for private development. Any acquisition of property for private use under the Plan would be voluntary. • A major feature of the Plan is that it calls for the use of tax increment financing, a financial mechanism. • On October 18, the City Council reviewed the Plan and Report and referred these documents to the Planning Commission for recommendations. • The Planning Commission conducted an Urban Renewal public hearing on October 31. At the conclusion of the hearing, a majority of the Planning Commission members voted to forward the Plan to Council with a favorable recommendation. • Tonight the City Council is conducting a single hearing dealing with both Urban Renewal Plan adoption and the proposed Urban Renewal Ballot Title and accompanying explanation. • The applicable review criteria for the Plan are the City's Comprehensive Plan policies and Chapter 457 of the Oregon Revised Statutes. • Staff concludes that the Urban Renewal Plan meets all applicable Comprehensive Plan criteria because the City and Planning 	<p>resolution for the ballot title present options for the wording on the "Question," and suggested less emphasis be placed on transportation in at least one of the options.</p>

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<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>corrections of typographical errors. In some cases, additional information was suggested to allow the reader of the Plan to understand the Plan better. He then reviewed some of the specific changes outlined in the written material before the City Council.</p> <p>Mayor Dirksen noted there was an error in the Plan and the Report – there were two instances in the pages before the Table of Contents where the City Center Advisory <i>Commission</i> is referred to as the City Center Advisory <i>Committee</i>. These should be added to the list of corrections.</p> <p>Mr. Tashman, in response to a question from Councilor Harding, noted that no work has yet been done in identifying other sources of funding. He noted a past grant the City received and one that it could get again was the Transportation Growth Management Grant (TGM). This would fund planning and design work. Since there is a state highway running through the area, ODOT has funding for projects that will relieve some of the pressure on the state highway. He noted they could work to define other possibilities.</p> <p>Councilor Harding asked if the public improvement projects for the \$22 million have been identified. Mr. Tashman referred to a table in the report, which shows how the \$22 million that can be borrowed over the 20-year course of the Plan would be allocated with regard to categories of projects. Each individual project has not been broken down showing how much funding it should receive. State law requires that projections be shown with regard to how dollars would be spent – what types of projects. The consultants did their best to make these projections based on what they thought would be a reasonable allocation of resources to these types of projects. The projections are not binding; however, the \$22 million cap is binding.</p> <p>Mayor Dirksen also noted that funding of the list of projects envisioned in the Downtown Plan is not</p>	

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	<p>limited to funds through Urban Renewal. The Urban Renewal District and Tax Increment Financing was never intended to be the sole source of financing for improvements in the downtown area. The City would continue to use grants and capital improvement dollars.</p> <p>Councilor Harding noted that it will take trust from the public and private sector to invest dollars.</p> <p>Councilor Harding noted that the City would still retain the right for eminent domain for public improvements. She asked what would happen if a developer wanted to acquire five parcels and it would be better, for tax purposes, for the property to be condemned. Could this happen? City Attorney Ramis said the Plan could be amended to allow this to happen; that is, amend the plan to give authority to acquire and redistribute land by condemnation. This provision is not in the Plan now, but it could be achieved by amendment. Another option noted by City Attorney Ramis, was that in some circumstances the goal could be achieved if some part of the project were a public improvement. For example, if the acquisition and assembly of land included a street improvement, then the City's condemnation power could be used.</p> <p>Mayor Dirksen noted that the Plan limits the use of condemnation and this limitation was done purposely. He said he feels strongly that, while he supports the idea of being able to use eminent domain for public facilities, the idea of using the authority to remove one private owner to turn this land over to another private owner is offensive. Councilor Harding said her intent would be to use condemnation where there is a willing seller who could also use a tax benefit. City Attorney Ramis said this was a good point in that the advantages come to the property owner from selling land to a jurisdiction under threat of condemnation; if there is no threat, then the benefits would not be available. City Attorney Ramis said there are other methods available for property owners, including a 1031 Exchange.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>Roger Potthoff, 11710 SW Ann Street, Tigard, Oregon 97223, said that as a member of the CCAC he wanted to point out that the Downtown Task Force has had three years to develop a comprehensive set of improvements for the downtown area. The CCAC started in late August and has been working on a compressed timeline to try to bring focus to some of the complexities of the Urban Renewal Plan as it moves from a Downtown Improvement Plan into a formal Urban Renewal Plan. There have been stresses with respect to the timetable. The CCAC has been dealing with complex issues, not the least of which was the boundary issue. Most are now satisfied with how the boundary issue was resolved.</p> <p>He said he thought there was an inordinate amount of the Commission's time spent on the boundary issue and there are a lot of other issues they have not attended. He referred to Ms. Buehner's testimony regarding STA's, which have specific application to urban renewal districts. Mr. Potthoff pointed out that one resident has brought up code enforcement and there has also been discussion of the likelihood of the City taking action to make changes to the Code that would align with the Downtown Improvement Plan. He referred to Ms. Potthoff's testimony regarding design review authority, which has also been discussed in terms of a future action to bring things in line for this Plan.</p> <p>Mr. Potthoff referred to testimony from Mr. Jelinek regarding timing of improvements for 99W before the urban renewal.</p> <p>Mr. Potthoff asked for the City Council to give the Commission additional time to review some of the complexities of the other issues and come back to the City Council with recommendations on issues relating to Code, design, authority, and STA's. Mr. Potthoff noted his support for the Urban Renewal Plan. He wanted to make sure that as it goes to the voters, it will be something they will be able to understand and support. He said he</p>	

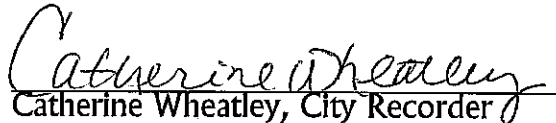
Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>thought the City has more work to do before it is adopted by the City Council and sent on to the voters. He asked if it was possible that this vote be postponed until November 2006.</p> <p>City Attorney Ramis noted that the decision is fundamentally a policy decision with regard to the timing of the election.</p> <p>Councilor Wilson noted that Mr. Potthoff raised some good points. The City Council did consider the November election. He said there were a number of complexities involved in the decision to go ahead in May. He noted there is a County plan for a “super” urban renewal area that runs down all of Highway 217. The County asked Tigard if they would want to join them to make this a County-wide consideration. Councilor Wilson noted the City has been working on this issue for three years and, although the CCAC is new to this effort, there was a strong sense that after two failed votes in the past, the City wanted to capitalize on the momentum the City had already developed. The results of polling indicated favorable results. There has been a lot of publicity and work done to educate the public. Councilor Wilson advised that, so far, there has been relatively little opposition. The City Council felt that to wait six months, would risk losing too much momentum. Urban Renewal is just one tool. The City will be doing other activities to get things done.</p> <p>Councilor Wilson said he understood Mr. Potthoff’s desire to think through some things; but, there are some decisions that can be made after this goes to a vote. For example, there will be a lot of review and development of the various projects in the Plan.</p> <p>Mayor Dirksen supported the comments made by Councilor Wilson. The Mayor noted the issues brought up by Mr. Potthoff were pertinent and will need to be dealt with in the near future. The election will be conducted to receive tax increment financing authority from the voters. The issues,</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>which need to be dealt with regarding the Comprehensive Plan, zoning, and Code requirement changes, can occur after the vote. The CCAC will be asked to do much of this work.</p> <p>Mr. Potthoff confirmed the CCAC is willing to do the work and those things he talked of earlier are important to success of the Plan not only for the vote in May, but for the long-term success of the planned improvements.</p> <p>Associate Planner Roberts said that staff recommends that the City Council adopt the Urban Renewal Plan as presented and as amended by the consultant. City Attorney Ramis added that the Council should make the ordinance effective on December 13.</p> <p>Mayor Dirksen noted the amendments were contained in the two written documents received by the City Council as well as his comments and to make the effective date December 13. (See Pages 16 and 17.)</p> <p>Council discussion followed.</p> <p>Councilor Sherwood noted that City of Tigard is one of last to get something accomplished in its downtown area. She reviewed information regarding the success of urban renewal districts in other areas:</p> <ul style="list-style-type: none"> - Tualatin: tax base was frozen at \$14,067,000 and after several years the value was \$152,161,000 - Wilsonville: tax base was \$61,000,000 and value is now \$255,000,000 - Lake Oswego: tax base was \$45,000,000 and after just a few years, the tax base is more than \$106,000,000. <p>Councilor Sherwood said she thought it was important that the City embrace this Plan; it will</p>	

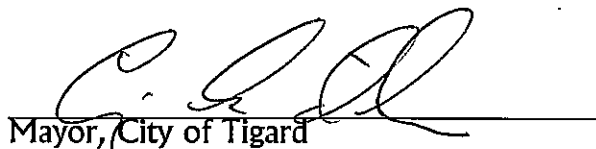
Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>add value to the City and the downtown.</p> <p>City Attorney Ramis, noted that the City Manager pointed out that the City Council does not need to include in its motion a particular effective date, because the ordinance will not become effective for 30 days, which will accommodate the time period needed for the City to talk to the County. This matter will be reviewed on December 13.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>City Council considered and approved Ordinance No. 05-17 with the revisions as suggested by the CCAC. See Pages 5 and 6, Action Items.)</p> <p>ORDINANCE NO. 05-17 – AN ORDINANCE ADOPTING THE CITY CENTER URBAN RENEWAL PLAN AND DIRECTING THAT THE PLAN BE REFERRED TO THE VOTERS</p> <p>The proposed resolution on the ballot title will be considered on December 13, 2005.</p>	
	<p>Council meeting recessed at 9:56 p.m. Council meeting reconvened at 10:03 p.m.</p>	
<p>7. Budget Amendment #4 – GIS Coordinator Position</p>	<p>IT Director Ehrenfeld and City Manager Prosser presented the staff report to the City Council.</p> <p>Council discussed this request for creating a position mid-year. During discussion City Council members acknowledged the benefits of coordinating the GIS applications in the City. There was discussion on concerns about reduction on ending-fund balances and whether a corresponding cost savings could be made elsewhere. City Manager Prosser explained that the financial forecast is being prepared now with the first reports coming in from departments.</p> <p>After discussion, this item was tabled until January 2006. The City Council will review this request when financial forecast information is available.</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to table this issue until January 2006, when budget projections are available.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
#8 Continuation of a Public Hearing on Sunrise Lane Annexation Proposal	<p>Procedural status was reviewed by City Attorney Ramis. The oral portion of public testimony had been closed. Written submittals included testimony from the lawyer (Michael Robinson) representing the applicant and from the lawyer (Lawrence Derr) representing the Friends of Bull Mountain and Lisa Hamilton-Treick asking for additional time to review specific aspects of the proposal.</p> <p>Mayor Dirksen reopened the hearing to receive testimony on the requests for more time to allow additional testimony on specific issues.</p> <p>Michael Robinson, Attorney at Law representing the Applicant, 1120 NW Couch Street, 10th Floor, Portland, Oregon 97209-4128 advised he did not have a problem with reopening the testimony to receive additional comments on the topics named. However, on behalf of his clients, he would prefer the shorter schedule that he proposed.</p> <p>Lisa Hamilton-Treick, 13565 SW Beef Bend Road, unincorporated Bull Mountain, Oregon, asked for the courtesy of the extra week, given the intervening holiday.</p> <p>Mayor Dirksen said he would support the longer time period because of the holiday.</p>	<p>Motion by Councilor Harding, seconded by Councilor Wilson, to reopen the public record as outlined*.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p> <p>*Public Record reopened as follows:</p> <ol style="list-style-type: none"> 1. All parties will be allowed to present written arguments pertaining to Comprehensive Plan Policies 10.1.1a and 10.1.2.e and Community Development Code 18.310.020 B. Arguments are due 5 p.m. on December 7, 2005. 2. Applicant Rebuttal is due December 14, 2005, 5 p.m. 3. Applicant Statement is due December 15, 2005, 5 p.m. 4. Supplemental staff report, if needed, is due December 19, 2005, 5 p.m. 5. Continuation of public hearing before the City Council is set for December 20, 2005, 7:30 p.m.

Agenda Item	Discussion & Comments	Action Items (follow up)
10. Non Agenda	Councilor Woodruff reminded the viewing audience there would be no Fifth Tuesday meeting on November 29, 2005. The next City Council Fifth Tuesday meeting is scheduled for January 31, 2006.	
12. Adjournment	Meeting adjourned at 10:35 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard

Date: 12.13.05

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